

EXHIBIT "A"

SPECIAL CIVIL PART SUMMONS AND RETURN OF SERVICE – FORM B - PAGE 2**Plaintiff or Plaintiff's Attorney Information:**

Name:

Benjamin Nazmiyal Law Group, P.C.

Address:

209 Main StreetFort Lee, NJ, 07024Telephone No.: (973) 693 - 5701Demand Amount: \$ 15000Filing Fee: \$ 50Service Fee: \$Attorney's Fees: \$**TOTAL** \$ 15050**SUPERIOR COURT OF NEW JERSEY****LAW DIVISION, SPECIAL CIVIL PART**ESSEX COUNTY50 West Market StreetNewark, NJ 07102(201) 795 - 6000Leonardo Leon

, Plaintiff(s)

versus

Financial Recovery Services, Inc

, Defendant(s)

Docket No: _____

(to be provided by the court)

Civil Action**SUMMONS**(Circle one): ☒ Contract or ☐ Tort**Defendant(s) Information: Name, Address & Phone:**Financial Recovery Services, Inc4900 Viking Drive, Edina, MN 55435

Date Served: _____

RETURN OF SERVICE IF SERVED BY COURT OFFICER (For Court Use Only)

Docket Number _____ Date _____ Time _____

WM _____ WF _____ BM _____ BF _____ OTHER _____

HT _____ WT _____ AGE _____ HAIR _____ MUSTACHE _____ BEARD _____ GLASSES _____

NAME _____ RELATIONSHIP _____

Description of Premises _____

I hereby certify the above to be true and accurate:

Court Officer**RETURN OF SERVICE IF SERVED BY MAIL (For Court Use Only)**

I, _____, hereby certify that on _____, I mailed a copy of the within summons and complaint by regular and certified mail-return receipt requested.

BATCH # 514 FILED 5/29/12CHECK/RECEIPT# 1166 AMT. 57_____
Employee Signature

FILED May 29, 2012

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Leonardo Leon

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION SPECIAL CIVIL PART
ESSEX COUNTY**

**Leonardo Leon,
Plaintiff**

Docket No. DC-013109-12

V.

PLAINTIFF'S COMPLAINT

**Financial Recovery Services, Inc.,
Defendant(s).**

Aryeh Pomerantz, Esq.

U.S. DISTRICT COURT OF NJ
EAST DIVISION
FEDERAL BUILDING
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Plaintiff, complaining of Defendant(s), states as follows:

COMPLAINT

Introduction

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq* (hereafter the "FDCPA"). The FDCPA prohibits debt collectors from engaging in abusive, deceptive, and unfair collection practices.

Parties

2. Plaintiff, Leonardo Leon, is an adult residing in Essex County, New Jersey.
3. Defendant Financial Recovery Services, Inc. is a business entity regularly engaged in the business of collecting debts in this State with its principal place of business located at 4900 Viking Drive, Edina, MN 55435. The principal purpose of Defendant is the collection of debts using the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another.
4. Defendant is a "debt collector" as defined by 15 U.S.C. § 1692a(6) of the FDCPA.
5. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3) of the FDCPA.

Factual Allegations

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ESSEX COUNTY
NEW JERSEY

6. Financial Recovery Services, Inc. attempted to collect a debt allegedly owed by Plaintiff relating to consumer purchases allegedly owed to Citibank.
7. The debt at issue arises out of an alleged transaction which was primarily for personal, family or household purposes and falls within the definition of "debt" for purposes of 15 U.S.C. § 1692a(5).
8. Plaintiff advised original creditor Citibank on June 02, 2010 that Plaintiff was represented by counsel and demanded that they cease and desist from all direct communications with Plaintiff.
9. Financial Recovery Services, Inc.'s employee Will called Plaintiff's counsel on or about Aug. 04, 2011 and attempted to collect the debt.
10. During this call, Financial Recovery Services, Inc. provided reference number EFI651 and phone number 888-411-4674.
11. During this call, Financial Recovery Services, Inc. acknowledged that when it received Plaintiff's file, included in the file was both the fact that Plaintiff was represented by counsel, as well as said counsel's contact information.
12. During this call, Financial Recovery Services, Inc. acknowledged that it had communicated directly with Plaintiff by mail on or about August 03, 2011.
13. The written notice required under FDCPA § 1692g was not sent within five days of the initial contact, as required by the FDCPA, and upon information and belief, at no time was such notice sent to Plaintiff.
14. Defendant knew or should have known that its actions violated the FDCPA. Additionally, Defendant could have taken the steps necessary to bring its

counsel. Nevertheless, Financial Recovery Services, Inc. continued to communicate directly with Plaintiff.

The FDCPA requires that "within five days after the initial communication with a consumer in connection with the collection of any debt, a "debt collector" must send the debtor a written validation notice containing certain information. 15 U.S.C. § 1692g (a). The notice must inform the debtor of the amount of the debt, the name of the creditor, and state that the debt will be assumed valid if the debtor does not dispute its validity within 30 days of the receipt of the notice. *Id.* § 1692g (a) (1)-(3). Furthermore, the notice must include a statement that if the debtor disputes the debt within 30 days of the notice, the debt collector will obtain and send the debtor verification of the debt and, upon written request, send the debtor the name and address of the current creditor, if different from the original creditor. *Id.* § 1692g (a) (4)-(5). Defendant failed to send the required notice within five days of the initial communication as required.

As a result of the above violations of the FDCPA, Defendant is liable to Plaintiff for actual damages, statutory damages which can be up \$1,000, attorney's fees and costs.

Wherefore, Plaintiff respectfully submits that judgment in the sum of \$13,000 be entered against Defendants for the following:

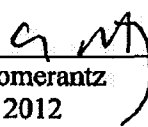
- (a) That judgment be entered against Defendant for actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- (b) That judgment be entered against Defendant for statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A);

(c) That the Court award costs and reasonable attorney's fees pursuant to 15

U.S.C. § 1692k(a)(3); and

(d) That the Court grant such other and further relief as may be just and proper.

Respectfully submitted,

Benjamin Nazmiyal Law Group, P.C.
Attorneys for Plaintiff
Leonardo Leon
By: 
Aryeh Pomerantz
May 21, 2012

Rule 4:51-1 Certification

The undersigned attorneys for the plaintiff certify that the matter in controversy is not the subject of any other action pending in any Court or a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated. I certify that confidential person identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7b.

Certification

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: May 21, 2012

Signature: 
Aryeh Pomerantz

Benjamin Nazmiyal Law Group, P.C.
209 Main Street,
Fort Lee, NJ, 07024
(201) 379-5507 – Telephone
(201) 849-5407 – Facsimile

Out of State Certification

Aryeh Pomerantz, of full age, hereby certifies as follows:

1. Defendant Financial Recovery Services, Inc is located at 4900 Viking Drive,
Edina, MN 55435
2. Financial Recovery Services, Inc does not have an address in New Jersey, but is
subject to jurisdiction in New Jersey since it does business in the State.

Certification

I certify that the foregoing statements made by me are true. I am aware that if any of the
foregoing statements made by me are willfully false, I am subject to punishment.

Date. 5/22/12 Signature: 

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JUDICIAL DIVISION
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